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09/639,533	08/16/2000	Klaus Heuring	KLA-0100	3103

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EXAMINER

KARMIS, STEFANOS

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/639,533

Applicant(s)

HEURING, KLAUS

Examiner

Stefano Karmis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 8/16/2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) 1-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

This application has been reviewed. Original claims 1-7 are pending. The objections and rejections cited are as stated below:

Claim Objections

1. The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hodroff US Patent 5,592,376 in view of Shkedy US Patent 6,260,024.

Claims 1-7 Hodroff teaches a dual-currency computerized transaction management and accounting system for both dollars and Community Economic Development Scrip (CEDS) (column 2, lines 15-19). The converted service credit measured in CEDS as the basis for the present system is a more versatile and universal monetary unit that prior conventional units because it not only manages business to business exchanges, but also facilitates economic transactions between businesses, workers, and consumers (column 2-3, lines 66-4). Based on Member income and need, a Cash Discount Category (CDC) is established for each Member, which determines the ratio of cash dollars to CEDS each participant spends as they make purchases in the economic development model (column 3, lines 61-65).

Hodroff teaches establishing a product value score for said products and or services, based on desirability of said products and/or services offered for barter, wherein said products or services are of differing value (column 4, lines 18-22); and establishing a cash value score based on the percent of the barter offered by said applicant, which is cash; and inputting said product value score and said cash score value into a registry and mathematically manipulating said scores to produce a barter credit score (column 6, lines 1-29 including Chart 1).

Establishing a score based on any or all of the following variables; the number of products or services offered for barter by said applicant (column 15, lines 18-20), the average sales price of said products or services offered for barter by said applicant, the estimated gross monthly sales based on the estimated average gross monthly sales of said products or services

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offered for barter by said applicant (column 5, line 8 thru column 6, line 61), the number of years in business, the total value of products or services offered for barter (column 14, lines 28-30), the sales prices of said products or services as a percent above the lowest published price on the Internet for the same product or service (column 14, lines 31-33), and inputting the scores into a registry and mathematically manipulating each of said scores to produce a barter credit score (column 14, lines 34-40). Official Notice is taken; the number of years in business for score consideration and basing minimum price on a published price found in the Internet are standard and would be obvious to anyone of ordinary skill in the art.

Hodroff teaches, the determination of the value of the service credits is based upon a running calculation by the accounting system of the present invention of the value of discounts on goods/services made available to Members. The available goods/services will largely result from contractual agreements with participating Vendors to take advantage of off-peak or underutilized capacity. The accounting system is constructed and adapted for allowing sales of goods and services within the system using prices determined by the amount that a willing buyer pays a willing seller. The network is completely market driven (column 4, lines 46-62).

Establishing a barter score value for a good and/or service to be exchanged by a first barter member, wherein said barter score value is a combination of a product or service value and cash value for said product or service (column 14, lines 41-45) and inputting the barter score value into a registry (column 14, lines 33-40). A second lot of goods or services for trade can be selected, for multiple Cash Discount Categories, thus providing different CEDS based on available funds for each group of members column 6, lines 1-30). Compare and accept a barter score and finalize exchange of goods and or services and cash (column 3, lines 27-53).

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Accepting said barter score value further includes the step of supplementing said barter score value with additional cash value (column 6, lines 1-4).

Hodroff teaches that the barter score value further includes a value of barter credit, where said barter credit it owed at least one of said barter members (column 14, lines 16-20).

Hodroff fails to teach a method where the hybrid transaction is directly from a profit trader to another profit trader and instead uses intermediaries such as Sponsors.

Shkedy teaches a method and apparatus for facilitating buyer-driven purchase orders between buyers and sellers, both seeking profits through cash or barter transactions. The transactions require the transfer of money from buyer to seller. In a barter transaction the distinction between buyer and seller disappears, resulting in a contract between a number of first parties and a second party. The first party creates FPO and specifies the quantity of goods he is ordering and then specifies a list of equivalent goods he is willing to receive. He may also provide a measure to equate "worth" of each of the separate items. The central controller may give him an indication of the ceiling number of each of the alternatives he may receive. This information is then aggregated into PPO. The second party now bids on PPO by specifying how much of a particular alternative he is ordering. Once again the optimal bid is calculated and awarded to the corresponding seller. Instead of getting cash, the second party receives goods from the first party. An example of this would be several small countries each willing to order raw materials in exchange for the delivery of medical supplies (column 27, lines 8-24).

It would be obvious to anyone of ordinary skill in the art at the time the Applicant's invention was made that the teachings of Hodroff could be modified to include the teachings of Shkedy to allow for direct hybrid transactions between two profit traders instead of a non-profit organization merely seeking a discount due to lack of funds so as to increase the business reach of hybrid transactions.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Hodroff US Patent 5,687,323 Nov. 11, 1997. Dual currency debit card.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (703) 305-8130. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-1113.

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Respectfully Submitted
Stefano Karmis
March 10, 2003

A handwritten signature in black ink, appearing to read 'Hani M. Kazimi', with a stylized flourish at the end.

HANI M. KAZIMI
PRIMARY EXAMINER